

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 4

New claim 52 corresponds to canceled claim 2. New claim 51 corresponds to canceled claim 10. New claims 51-60 correspond to canceled claims 11, 12, 37, 38, and 47-50, respectively.

Accordingly, upon entry of this Amendment, claims 5, 39-41, and 51-60 will be pending and under examination.

Applicants maintain that the amendments of claims 5 and 41 and the addition of new claims 51-60 raise no issue of new matter and are fully supported by the specification as filed. Support for amended claim 5 may be found *inter alia* in the specification filed on page 14, line 10. Support for amended claim 41 may be found *inter alia* in the specification on page 15, line 36 through page 16, line 5, and Figure 10. Support for new claim 52 may be found *inter alia* in the specification on page 14, line 34. Support for claims 51 and 53 may be found *inter alia* in the specification on page 18, lines 25-31. Support for new claim 54 may be found *inter alia* in the specification on page 19, lines 19-20. Support for new claims 55 and 56 may be found *inter alia* in the specification on page 16, lines 26-29. Support for new claim 57 may be found *inter alia* in the specification on page 19, lines 24-34. Support for new claim 58 may be found *inter alia* in the specification on page 19, line 36 through page 20, line 6. Support for new claim 59 and 60 may be found *inter alia* in the specification on page 19, lines 20-23. Accordingly, applicants respectfully request that this Amendment be entered.

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 5

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 12, 47, and 48 under 35 U.S.C. §112, first paragraph, because the specification allegedly does not enable a person skilled in the relevant art to use the invention commensurate in scope with the claims. Specifically, the Examiner alleged that the specification as filed does not reasonably provide enablement for claim 12, which is drawn to a cell comprising the vector, which in turn comprises the instantly claimed nucleic acid, since the claim allegedly reads on an intact organism.

In response, applicants respectively traverse, noting that new claims 54, 57, and 58, corresponding to canceled claims 12, 47, and 48, are directed to "isolated" cells.

Examiner also rejected claim 47 as lacking sufficient enablement for a plant cell comprising a vector comprising the instantly claimed nucleic acid.

In response, applicants respectfully traverse, noting that new claim 57, corresponding to canceled claim 47, does not recite the word "plant".

Applicants maintain that the rejected claims satisfy the requirements of 35 U.S.C. §112, first paragraph.

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 6

Claim Objections and Minor Informalities

The Examiner objected to claims 1, 2, 10-12, 37, 38, and 47-50 as allegedly reciting unelected subject matter. In the July 26, 2002 Amendment, in response to the election of species requirement, applicants elected, with traverse, to prosecute claims that read on an isolated nucleic acid encoding a protein comprising the amino acid sequence set forth in SEQ ID NO: 14.

The Examiner objected to claims 5, 39, and 40 because of the use of the abbreviation "LOX-1" in claim 5.

~~The Examiner further objected to claim 41 as being dependent upon an objected base claim.~~

In response, applicants have amended the claims to address each of the above informalities.

Summary

In view of the amendments and remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number

Applicants: Alan R. Tall et al.
Serial No.: 09/898,554
Filed: July 2, 2001
Page 7

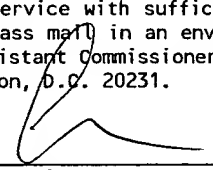
provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Alan J. Morrison
Reg. No. 37,399

12/6/02
Date

John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. No. (212) 278-0400



Marked-up Version of Amendments Showing Changes Made

Additions to the text are indicated by underlining; deletions are indicated by square brackets.

5. A nucleic acid probe of at least 15 nucleotides in length which specifically hybridizes with a nucleic acid encoding a mammalian [LOX-1 receptor] oxidized, low-density lipoprotein receptor (LOX-1) or with a nucleic acid having the complementary sequence thereof
41. [The isolated nucleic acid of claim 1, wherein the nucleic acid encodes] An isolated nucleic acid encoding a protein comprising the amino acid sequence set forth in SEQ ID NO: 14.

RECEIVED
DEC 13 2002
TECH CENTER 1600/2900